



STATE OF MICHIGAN

JENNIFER M. GRANHOLM
GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
LANSING

K. L. COOL
DIRECTOR

December 15, 2003
RESUBMITTED: January 12, 2004

Memorandum to the Director:

SUBJECT: Falconry Regulations

Authority:

The Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, authorizes the Director to issue orders for the taking of raptors by falconers in this state.

Discussion and Background:

In 1999, legislation was enacted to allow the take of up to 25 raptors from the wild to be used in falconry activities. The legislation was set to sunset in January 2004. Legislation related to the take of falcons was signed into law in 2003 to extend the sunset clause an additional five years and to allow the issuance of two permits to take northern goshawks.

Since raptors are not designated as game animals in Michigan, regulation changes pertaining to raptor take fall under the Director's authority.

This order will allow the Department to issue two limited northern goshawk capture permits during the late passage season (migration). It also changes the process for issuance of permits and eliminates a lottery system for permits to take red-tailed hawks, American kestrel, sharp-shinned hawks and Cooper's hawks. These permits will be referred to as general raptor capture permits.

During the last five years, 63 raptors have been taken. The highest number of birds taken in any one year was 18. More typically, 15 raptors are captured each year. The current process limits the number of capture permits to 25 annually. This means if a permit is not used during the early passage season or the eyas season, it is no longer available for use during the fall passage season. Under the current system, the legal limit of 25 birds is not expected to be reached. In 2002, nine falconers were denied permits. In 2003, 16 falconers were denied permits based on the current lottery system.

This order will allow any licensed falconer to apply for a capture permit which will be good for any of the three capture periods. There will not be any limit on the number of permits issued.

Once a falconer has captured a raptor, they must notify the Department within 24 hours. When the legal limit of 25 general permit birds has been taken, the Wildlife Division permit specialist will notify all falconers possessing valid general capture permits that the permits are rescinded.

This process will allow more falconers an opportunity to participate in capturing raptors. The take of the additional raptors will not have any effect on the state population.

Recommendation:

This order was submitted for information only at the January 2004 meeting of the Natural Resources Commission. This item appeared in the January 26, 2004, Calendar and is eligible for approval on February 6, 2004. We are now recommending that it be acted upon at this meeting.

Rebecca A. Humphries, Chief
Wildlife Division

Curtis M. Bacon, Acting Chief
Law Enforcement Division

George E. Burgoyne, Jr.
Resource Management Deputy

WILDLIFE CONSERVATION ORDER

Amendment No. 1 of 2004

Under the authority of sections 40107a, Act No. 451 of the Public Acts of 1994, as amended, being sections 324.40107a of the Michigan Compiled Laws, the Director of the Department of Natural Resources ordered that effective February 7, 2004, the following section of the Wildlife Conservation Order shall read as follows:

10.10 Taking.

Sec. 10.10. (1) Except as provided in section 10.4(2) of this chapter, a licensed falconer shall not take any raptor from the wild in the State of Michigan without first applying for and receiving either a general raptor capture permit or a limited northern goshawk capture permit from the wildlife division permit specialist. Permits will be issued subject to all of the following requirements and conditions:

(a) The total number of raptors taken by all falconers, both resident and nonresident, in any 1 calendar year shall not exceed 27 and shall be limited to the following numbers and species: no more than 25 raptors in any combination of American kestrel (*Falco sparverius*), Cooper's hawk (*Accipiter cooperii*), red-tailed hawk (*Buteo jamaicensis*), and sharp-shinned hawk (*Accipiter striatus*) and no more than 2 northern goshawks (*Accipiter gentiles*). The total number of all raptors taken by nonresident falconers in any 1 calendar year shall not exceed 5. Raptors shall not be taken except for use in falconry.

(b) There shall be 3 separate seasons open to take raptors. An early passage season will run from April 16 through April 30. Eyras raptors may be taken from May 16 through July 12. A late passage season will run from September 16 through December 31.

(c) A licensed falconer shall apply for a general raptor capture permit to take 1 bird from the following list of species during any of the raptor seasons: American kestrel, Cooper's hawk, red-tailed hawk, and sharp-shinned hawk. In addition, 2 limited northern goshawk capture permits will be available specifically for the take of goshawks during the late passage season. A falconer who has legally taken a raptor may obtain another general raptor capture permit after submitting the used capture permit to the wildlife division permit specialist with the following information in the spaces provided: date of capture, species taken, and permittee's signature. A person who is not a licensed falconer shall not apply for a permit to take a wild raptor. Permits for the calendar year will not be issued after December 23. The department shall revoke any unused general raptor capture permits once the total take of raptors, in the general raptor capture permit category, has reached 25 statewide. Applicants shall provide an e-mail address or telephone number where they can be contacted in the event the legal number is reached. Upon the department providing notice to the e-mail or telephone number provided by a permittee, a permit shall be invalid, and any catching device used under the authority of the permit shall be made inoperable and removed from the field within 24 hours. The permittee is responsible for maintaining a current, valid e-mail or telephone number on file with the wildlife permit specialist.

(d) A lottery will be used to identify successful applicants for the limited northern goshawk capture permits during the late passage season. Permit applications to take goshawks must be submitted to the wildlife division permit specialist prior to August 31 for the late season. Successful applicants will be contacted by the wildlife division permit specialist.

(e) Catching devices used to take a passage raptor must have the name and address in legible English or the complete Michigan driver license number of the user or person possessing the device permanently etched in the catching device, or there shall be securely fastened to each catching device a metallic plate or tag bearing the name and address in legible English or the complete Michigan driver license number of the user or person possessing the catching device.

- (f) Only American kestrels (*Falco sparverius*) may be taken when over 1 year old.
- (g) Taking of raptors on national lakeshores, national recreation areas, and all state lands is prohibited.
- (h) Only licensed falconers may have direct contact with a raptor nest.
- (i) Licensed falconers must obtain written permission from property owners or land managers before making direct contact with any raptor nest.
- (j) An eyas may be taken only if at least 2 healthy young raptors are left in the nest.
- (k) A licensed falconer shall report the capture of a raptor to the wildlife division permit specialist by telephone or e-mail within 24 hours after the raptor is taken. A licensed falconer shall submit their used permit to the wildlife division permit specialist within 5 business days after the raptor is taken. A licensed falconer shall report the nest location from which an eyas is taken by county, township, range, and section to the wildlife division permit specialist within 5 business days after the raptor is taken.
- (l) The wildlife division permit specialist will maintain an up-to-date annual count of raptors taken beginning with the early passage season. This count will be used to determine if and when the legal limit of 25 raptors is taken under the general raptor capture permit category.
- (m) Red-tailed hawks (*Buteo jamaicensis*) shall not be taken during the early passage season.

Issued this 6th day of February, 2004.

K. L. Cool
Director